D.B. CIVIL WRIT PETITION (PIL)NO.494/2007

Birma Ram Bera
Vs.
State & Ors.

Date of Order :: 02-02-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri B.R. Bera, petitioner present in person.

This writ petition has been filed purportedly as a public interest litigation seeking direction upon the respondents to pay compensation to the farmers, numbering 56, as per Schedule-A in respect of cutting of trees. Trees are said to have been cut or proposed to be cut to facilitate laying of High Voltage Transmission Line of 400 KV GSS between Ratangarh and Merta.

We called upon petitioner to satisfy the Court as to why the persons concerned should not file writ petition themselves and seek directions. It was stated that the persons concerned are poor and they cannot afford to file writ petitions. In the facts and circumstances we are not inclined to agree, having regard to among other the number of trees of which the persons concerned are said to be owners, which are said to have been cut or proposed to be cut. We indicated that in case of any request, this Court could provide suitable lawyer to espouse their cause.

However, after hearing the petitioner for some time, we are of the view that in stead of going

into that exercise, the purpose would be served by permitting the persons concerned to make representation and claim damage in respect of the cutting of trees before the authorities, if they so like. It was stated that they made representations but without any result. In the circumstances, we would permit the persons concerned to make fresh representation along with copy of this order.

We may observe that laying of transmission lines itself is in public interest and, more often than not, it necessitates cutting of trees falling in route, and therefore no grievance can be made of laying of the transmission lines. All that can be claimed is damage for the loss suffered.

In the above premises, we dispose of this writ petition with liberty to the person concerned to make representation claiming damage/compensation for cutting of trees.

Let a copy of this order be handed over to the petitioner, Birma Ram Bera, for being passed on the persons concerned.

[GOVIND MATHUR],J. [S.N.JHA],CJ.

Praveen